

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALAN MCMANN and DONNA
McMANN, husband and wife,

Plaintiffs,

v.

AIR & LIQUID SYSTEMS
CORPORATION, et al.,

Defendants.

CASE NO. C14-5429 BHS

ORDER GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on Defendant Saberhagen Holdings, Inc.'s ("Saberhagen") motion for summary judgment (Dkt. 44).

In their complaint, Plaintiffs Alan and Donna McMann ("McManns") allege that Mr. McMann "was exposed to asbestos from work performed by [Saberhagen tradesmen] as they worked with asbestos-containing products in close proximity and without warning to Mr. McMann" Dkt. 45, Declaration of Timothy K. Thorson, Exh. B.

1 On August 14, 2014, Saberhagen filed a motion for summary judgment arguing
2 that there was no evidence that Mr. McMann ever worked with or around Saberhagen
3 employees. Dkt. 44. The McManns failed to respond.

4 The moving party is entitled to judgment as a matter of law when the nonmoving
5 party fails to make a sufficient showing on an essential element of a claim in the case on
6 which the nonmoving party has the burden of proof. *Celotex Corp. v. Catrett*, 477 U.S.
7 317, 323 (1986).

8 In this case, the McManns have failed to cite and the Court is unaware of any
9 evidence that shows that Mr. McMann worked with or around Saberhagen employees.
10 Therefore, the McManns have failed to make a sufficient showing on an essential element
11 of their claim against Saberhagen, and the Court **GRANTS** Saberhagen's motion for
12 summary judgment.

13 **IT IS SO ORDERED.**

14 Dated this 17th day of September, 2014.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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